

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

DAVID DAVIS,
Plaintiff,

vs. CASE NO. 3:06-CV-0054-VPM
CITY OF PHENIX CITY, ALABAMA,
et al.,
Defendants.

DEPOSITION OF MICKEAL D. HANSON, taken pursuant
to stipulation and agreement before Shannon M.
Williams, Certified Court Reporter and Commissioner
for the State of Alabama at Large, in the offices of
City Hall, 601 12th Street, Phenix City, Alabama, on
Wednesday, November 7, 2007, commencing at
approximately 11:31 a.m. EST.

APPEARANCES

FOR THE PLAINTIFF:

THOMAS A. WOODLEY
Woodley & McGilivray
1125 15th Street N.W.
Suite 400
Washington, D.C. 20005

FOR THE DEFENDANTS:

JAMES P. GRAHAM, JR.
712 13th Street
P.O. Box 3380
Phenix City, Alabama 36868-3380

JAMES R. MCKOON, JR.
McKoon & Associates
925 Broad Street
P.O. Box 3220
Phenix City, Alabama 36868-3220

ALSO PRESENT:

Cole Dugan
Wallace Hunter
H.H. Roberts

EXHIBIT

D

**CONDENSED
COPY**

STIPULATIONS

It is hereby stipulated and agreed by and
between counsel representing the parties that the
deposition of MICKEAL D. HANSON is taken pursuant to
the Federal Rules of Civil Procedure and that said
deposition may be taken before Shannon M. Williams,
Certified Court Reporter and Commissioner for the
State of Alabama at Large, without the formality of
a commission; that objections to questions other
than objections as to the form of the questions need
not be made at this time but may be reserved for a
ruling at such time as the deposition may be offered
in evidence or used for any other purpose as
provided for by the Federal Rules of Civil
Procedure.

It is further stipulated and agreed by and
between counsel representing the parties in this
case that said deposition may be introduced at the
trial of this case or used in any manner by either
party hereto provided for by the Federal Rules of
Civil Procedure.

MICKEAL D. HANSON

The witness, having first been duly sworn
or affirmed to speak the truth, the whole truth and
nothing but the truth, testified as follows:

EXAMINATION

BY MR. WOODLEY:

Q. Mr. Hanson, could you please state your
full name for the Record?

A. It's Michael Duane Hanson.

Q. Mr. Hanson, my name is Tom Woodley. I'm
one of the attorneys representing David Davis in
this court action that's been pursued against the
City and Chief Hunter and City Manager Roberts. Let
me ask you some preliminary questions. Have you
ever had your deposition taken before?

A. Yes.

Q. In other cases?

A. Yes, sir.

Q. Have you had an opportunity to spend some
time with Mr. McKoon or Mr. Graham about the nature
of this lawsuit and the nature of the deposition
procedures?

A. Yes.

Q. If at any time you don't hear one of my
questions or you don't understand one of my

1 questions, let me know immediately and I'll be glad
2 to repeat it or rephrase that. Do you understand
3 that?

4 A. Yes.

5 Q. And you'll have to wait until I finish my
6 questions before you begin your answer so we can
7 have an accurate record taken by this reporter.

8 A. No problem.

9 Q. And, of course, you're now sworn under
10 obligation to tell the full truth. Do you
11 understand that?

12 A. Yes, I do.

13 Q. What is your current position within the
14 city fire department?

15 A. My current position is deputy fire chief.

16 Q. When did you first come on board with the
17 city fire department? What year?

18 A. January 28th of 1987.

19 Q. Then you were promoted up the chain of
20 command?

21 A. I was promoted, yes.

22 Q. Did you ever have any supervisory
23 responsibility over David Davis when he was working
24 his eight years here in the fire department?

25 A. Yes, I did.

1 Q. Were you his deputy chief?

2 A. No, sir. That -- I was the battalion
3 chief. I was on shift work at that time.

4 Q. What shift was that?

5 A. Well, I have been on various shifts, but I
6 think at that moment -- the last time I had David on
7 my shift was when he was on A shift. If I'm not
8 mistaken, it was A shift he was on.

9 Q. And did you have occasion to give him
10 evaluations of his job performance as a firefighter?

11 A. I did not. His captain of his station did.

12 Q. Okay. But you did not?

13 A. No, sir, I didn't.

14 Q. Let me invite your attention to an exhibit
15 there in the blue binder in front of you.

16 Mr. McKoon has a set of exhibits as well. And this
17 would be Exhibit 18. This is an internal memo from
18 then Deputy Chief Roy Waters to Fire Chief Hunter
19 dated February 6, 2006, and it deals with David
20 Davis. Just read that to yourself. It's only one
21 page.

22 Have you had a chance to read that?

23 A. Yes, sir.

24 Q. If you notice the last sentence, Deputy
25 Chief Waters is telling Chief Hunter, "David Davis

1 is doing an outstanding job for me and has a very
2 positive and professional attitude."

3 Do you see where it says that, Chief Hanson?

4 A. Yes. The last sentence in the paragraph.

5 Q. Would you agree with the observation and
6 description by Chief Waters that David Davis was
7 doing an outstanding job as a firefighter and had a
8 positive and professional attitude?

9 A. Well, this is -- the way I understand it,
10 this is Chief Waters' opinion about him, and I guess
11 this is what he thought about.

12 Q. Would you agree with that?

13 A. I would not, no.

14 Q. Why do you say no?

15 A. Well, David has always been a complainer.
16 He complains about most everything, especially if
17 something new happens. He's always been -- he
18 always refers to us as white shirts versus the blue
19 shirts and stuff like that. And he just -- he
20 has -- to me, he has an overall negative opinion
21 for, I guess, authority or for the upper ranks of
22 the department.

23 Q. Have you ever had occasion to discipline
24 David Davis concerning his job?

25 A. If I'm not mistaken, I have, yes.

1 Q. What was that?

2 A. I was trying to think. I believe it may
3 have been when he made a statement, and that may
4 have been just a verbal reprimand. I remember I
5 had -- I've had to go to a personnel hearing for
6 him.

7 Q. On what issue?

8 A. That's what I was trying to remember, it's
9 been so long ago.

10 Q. Did that involve Ms. Kennedy?

11 A. I'm just not sure. I'll have to look at
12 the paperwork, it's been so long ago. I don't know.

13 Q. Can you recall any other adverse
14 performance issues involving Mr. Davis when he was
15 doing his job in the fire department?

16 A. Other than I remember the situation where
17 we were meeting with the shift personnel, and I
18 think Chief Kennedy was speaking at that point and
19 he -- David jumped up as though he was coming out of
20 his seat yelling some words like, what are you doing
21 trying to punk me. Probably not in exact words, but
22 that was a problem.

23 Q. Have you talked to Ms. Kennedy in the last
24 week about that situation?

25 A. I have not, no. Not that I can recall, I